

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DIEGO GONZALEZ,

No. C-12-4557 EMC (pr)

Petitioner,

v.

**ORDER DENYING COUNSEL AND
EXTENDING TRAVERSE DEADLINE**

WILLIAM KNIPP, Warden,

Respondent.

Petitioner has requested appointment of counsel to represent him in this action. A district court may appoint counsel to represent a habeas petitioner whenever “the court determines that the interests of justice so require” and such person is financially unable to obtain representation. 18 U.S.C. § 3006A(a)(2)(B). The decision to appoint counsel is within the discretion of the district court. *See Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986). Appointment is mandatory only when the circumstances of a particular case indicate that appointed counsel is necessary to prevent due process violations. *See id.* The interests of justice do not require appointment of counsel in this action; the two claims remain for adjudication were briefed in the state court appeal by appellate counsel. The request for appointment of counsel is DENIED. Docket # 29.

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1 Petitioner's request for an extension of the deadline to file his traverse is GRANTED.
2 Docket # 28. Petitioner must file and serve his traverse on or before **November 7, 2014**.

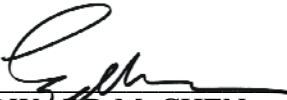
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4 IT IS SO ORDERED.

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6 Dated: October 6, 2014

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EDWARD M. CHEN
United States District Judge

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